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C O N F I D E N T I A L SECTION 01 OF 02 ZAGREB 002658

SIPDIS

BRUSSELS ALSO FOR USEU
USVIENNA ALSO FOR USDEL CSCE

E.O. 12356: DECL: 7/14/00

TAGS:

SUBJECT: ALL'S NOT WELL IN WESTERN SLAVONIA

11. CONFIDENTIAL - ENTIRE TEXT.

12. SUMMARY: IN WESTERN SLAVONIA, THE AREA RETAKEN FROM REBEL SERBS BY CROATIAN FORCES MAY 1-3, SERBS DETAINED BY THE CROATS AS POSSIBLE CRIMINALS ARE REPORTEDLY FINDING THAT THE GOC HAS ITS THUMB ON THE SCALES OF JUSTICE -- TRIALS ARE MOVING SLOWLY IF AT ALL, AND THE DETAINEES HAVE INSUFFICIENT ACCESS TO COUNSEL. SERBS WHO REMAINED IN THEIR HOMES ENCOUNTER HARASSMENT AND/OR EXPERIENCE PROBLEMS IN RECLAIMING THEIR PROPERTY. REINTEGRATION OF THE SERB POPULATION IS STILL FAR FROM REALITY. END SUMMARY.

DETAINEES FACE LACKADAISICAL JUSTICE

13. IN A JULY 13 DISCUSSION WITH POLOFF, SENIOR UN CIVIL AFFAIRS OFFICER IN PAKRAC GRAHAM DAY WAS COMPLETELY DOWNCAST ABOUT THE SITUATION FOR SERBS IN FORMER SECTOR WEST, DESCRIBING THEIR TREATMENT AS ONE OF CONSISTENT,
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LOW-LEVEL BUREAUCRATIC NAGGING AND EVEN PERSISTENT ABUSE. BY FAR THE MOST PRESSING PROBLEM, HE SAID, WAS OBTAINING FUNDS TO PAY PRIVATE LAWYERS FOR THE COMPETENT DEFENSE OF SERBS STILL INTERNED ON CHARGES OF WAR CRIMES. (NOTE: SEVERAL OTHER UN OFFICIALS HAVE RECENTLY CRITICIZED TO US THE PERFORMANCE OF THE PUBLIC DEFENDERS AND JUDGES ASSIGNED TO THESE CASES. MOST OF THE CROATIAN LAWYERS HAD NOT INTERVIEWED OR EVEN MET WITH THEIR CLIENTS BEFORE THE TRIALS STARTED. IF THE LAWYERS ARRIVED AT THE TRIALS AT ALL, THEY EITHER CAME LATE, OR LEFT EARLY. JUST DAYS AFTER THE TRIALS STARTED, SEVERAL JUDGES RECESSED FOR A ONE-MONTH SUMMER VACATION, LEAVING THE ACCUSED TO PONDER THEIR FATE IN HOT, OVERCROWDED JAILS. 180 MEN HAVE BEEN INDICTED AND ONLY FOUR LAWYERS WERE ASSIGNED TO DEFEND THEM. TWENTY CASES HAVE GONE TO TRIAL AT THIS TIME. AN OFFICIAL AT THE UN CENTER FOR HUMAN RIGHTS (THE "MAZOWIECKI" COMMISSION) SAID ALL THE CHARGES WERE ABSTRACT, AND UNCHR WAS ATTEMPTING TO GET THEM DROPPED. UN OFFICIALS ARE MONITORING THESE TRIALS DAILY.

14. ONLY ONE INDIVIDUAL, MLADEN KULIC, HAS A PRIVATE LAWYER, LOCATED FOR HIM BY UNOV (UN OFFICE IN VIENNA) OFFICIAL MICHAEL PLATZER (PROTECT). PLATZER SAID THIS LAWYER HAD BEEN HARASSED BY SEVERAL PUBLIC DEFENDERS AND EVEN ONE JUDGE FOR TAKING ON HER CLIENT. AGAINST ALL INTERNATIONAL STANDARDS, AND CONTRARY TO GOC TREATY OBLIGATIONS, CROATIAN POLICE INSISTED ON ATTENDING THE PRIVATE DISCUSSIONS SHE HELD WITH HER CLIENT. THE UN HAS IDENTIFIED COMPETENT PRIVATE ATTORNEYS WHO ARE WILLING TO TAKE OTHER CASES. HOWEVER, PRO BONO WORK IS NOT ALLOWED UNDER CROATIAN LAW. MANY LAWYERS ARE NOT WILLING TO BILL
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CLIENTS WITH A PROMISE TO PAY LATER BECAUSE TAX AUTHORITIES ARE EXAMINING THEIR ACCOUNTS. PLATZER SAID THE UN LACKED FUNDS TO PAY THE OBLIGATORY USD 200 EQUIVALENT PER DAY COURT FEES.

CONTINUING INTIMIDATION AND INEQUITY

15. DAY ALSO TOLD US THAT LOCAL SERBS, ESPECIALLY IN THE NOVSKA AREA, CONTINUED TO BE INTIMIDATED AND PHYSICALLY

HASSLED BY RETURNING CROATIANS AND EVEN POLICE PATROLLING THE AREA. THE ISSUE OF RETURNING LIVESTOCK TO ITS ORIGINAL OWNERS HAS BECOME CONTENTIOUS. THE GOC ROUNDED UP ALL THE FARM ANIMALS IN THE EARLY DAYS OF THE CRISIS

SINCE NO ONE WAS LEFT TO CARE FOR THEM IN THE WAKE OF REFUGEE FLIGHTS AND GOC DETENTION OF THE LOCAL POPULATION. MOST OF THESE ANIMALS WERE PLACED WITH NEARBY CROAT FARMERS FOR CARETAKING. DAY REPORTED THAT THE GOC HAS BACKTRACKED ON ITS PROMISE TO PAY THESE FARMERS A DAILY SUM FOR THEIR UPKEEP. VELJKO DZAKULA, THE LOCAL SERB LEADER, TOLD POLOFF THAT THE FARMERS REFUSED TO RETURN THE

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ACTION EUR-01

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	SMEC-00	OASY-00	SRPP-00
	EB-01	FBIE-00	H-01	TEDE-00	INR-00	IO-08	L-01
	ADS-00	M-00	NSAE-00	OIC-02	OMB-01	PA-01	PM-00
	PRS-01	P-01	SCT-00	SP-00	SS-00	STR-01	TRSE-00
	T-00	USIE-00	PMB-00	PRME-01	PRMC-01	DRL-09	G-00
	/031W						

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P 171631Z JUL 95
FM AMEMBASSY ZAGREB
TO SECSTATE WASHDC PRIORITY 6444
INFO NSC WASHDC
USMISSION USUN NEW YORK
SECDEF WASHDC//ISA/ISP//
JOINT STAFF WASHDC//J-5PMA/J21//
NATO EU COLLECTIVE
AMEMBASSY BELGRADE
AMEMBASSY BUDAPEST
AMEMBASSY LJUBLJANA
USLO SKOPJE
AMCONSUL MUNICH
USMISSION GENEVA
DIA WASHDC
CINCUSAFE RAMSTEIN AB GE//DO/LG/XOX/IN/POLAD//
CINCUSAREUR HEIDELBERG GE//J3/J4/J5/POLAD//
JAC MOLESWORTH RAF MOLESWORTH UK
USCINCEUR VAIHINGEN GE//ECJ3/ECJ4/ECJ5/ECPOLAD//
COMSIXTHFLT //N2//

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HQ JTF PP NAPLES IT//CA/POLAD//

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ANIMALS TO THEIR SERB OWNERS "ON PRINCIPLE," NO MATTER WHAT THE GOC MIGHT PAY THEM. SERBS WHO APPROACHED THESE CROATS FOR THEIR PROPERTY, IDENTIFIABLE BY ITS BRANDING, WERE ROUGHLY HARASSED. DAY TOLD OF ONE INCIDENT WHERE A

CROAT FIRED SHOTS IN THE AIR IN THE PRESENCE OF A CIVIL AFFAIRS OFFICER, AND THEN THREATENED THAT THE NEXT SHOTS WOULD BE FIRED AT PEOPLE.

16. APPROXIMATELY 50 FAMILIES OF WEST SLAVONIAN SERBS NOW IN BELGRADE HAVE EXPRESSED A DESIRE TO RETURN TO THEIR HOMES IN CROATIA. THEY HAD LEFT IN MAY AND JUNE WITH THE DAILY UNHCR CONVOYS TO BANJA LUKA. HOWEVER, BUREAUCRATIC OBSTACLES IN BELGRADE HAVE PREVENTED THESE PEOPLE FROM RETURNING. MINISTER MAJDAK'S OFFICE CLAIMED THAT THESE PEOPLE WERE WELCOME IN CROATIA, AND THAT NO IMPEDIMENTS EXISTED ON THE PART OF THE GOC FOR THEIR RETURN. ANTITHETICALLY, MANY FAMILIES IN THE PAKRAC AREA STILL EXPRESS INTEREST IN LEAVING. THEY HAVE BEEN IDENTIFIED BY UNHCR, AND ARE BEING DEALT WITH ON AN INDIVIDUAL BASIS. DZAKULA AND DAY BOTH CONFIRMED THAT MANY OTHERS TALK OF

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LEAVING BUT WANT TO WAIT UNTIL THEIR HUSBANDS OR FATHERS ARE RELEASED FROM JAIL BY THE CROATS. A CONTINUED EXODUS WOULD EVEN FURTHER MARGINALIZE THE REMAINING 1200 SERBS, BY OFFICIAL GOC COUNT, REMAINING IN THE SECTOR.

17. COMMENT. AN ARTICLE IN THE GOVERNMENT-INFLUENCED DAILY VJESNIK JULY 14 IS TITLED "PEACEFUL AND STABLE IN PAKRAC." AT A NEWS CONFERENCE ON JULY 12, PAKRAC POLICE CHIEF IVKANEK STRESSED A SIMILAR THEME. SUCH IS FAR FROM THE CASE, HOWEVER. EVENTS IN THE FORMER SECTOR WEST WILL BE READ AS A TEST OF THE REINTEGRATION OF SERBIAN AND CROATIAN CIVIL SOCIETIES. EXPERIENCE TO DATE IS NOT ENCOURAGING. END COMMENT.
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